

ABSTRACT

Comparison of the Organisation of Local Administration in the Czech Republic and the Republic of Montenegro

The thesis Comparison of the organisation of local administration in the Czech Republic and the Republic of Montenegro deals with the basic principles of the organisation of local administration in the above mentioned states both in the form of valid legislation and its practical implementation. A large space is devoted to the constitutional foundations defining the scope of powers of local self-governments and the degree of their decision making autonomy and to two basic laws which determine essential institutes and aspects of the local self-governments administrative activity - the Czech Law on Municipalities and the Montenegrin Law on Local Self-Government. Major part of the thesis is descriptive and it is analysing and comparing the valid legislation. This part is followed by the evaluation of the practical implementation of the legislation and by the reflection of real organisation and functioning of local administration in both countries.

The thesis is divided into 7 chapters. After the brief introduction the chapter dealing with Montenegro exclusively follows. It contains short characteristics of the state, its organisation, political system and administrative division. The chapter also summarizes basic data regarding local self-government, which is in a detailed way analysed in the following chapters.

Although the thesis deals with the current state of affairs, chapter 3 goes back to the history, describing the development of the last 20 years, which has a significant role for the forming of the current system of the local self-government.

Due to the fact that nor in the Czech Republic neither in Montenegro the system of public or local administration is formed in isolation without external influences, chapter 4 deals with these external factors. It analyses the influence of the European Charter of Local Self-governments ratified by both states and the impact of the EU – the Czech Republic is the member state and the Republic of Montenegro is the candidate state. In this chapter the premise has been confirmed that these factors cause gradual convergence of both systems.

Chapter 5 is the largest part of the thesis, as it contains the comparison of the valid legislation of the local administration in both states. This chapter presents the comparison of the constitutional foundations and principles regulated in the Czech Law on Municipalities and the Montenegrin Law on Local Self-government. To some extent the chapter deals with the regulations given by other relevant laws. It focuses on the basic functions and institutes of the local self-government, the territorial and personal foundations of a municipality, its legal personality, municipal authorities, their independent and delegated competencies, the competences of the state towards the municipalities and some other aspects.

Chapter 6 deals with the evaluation of the real functioning of the local self-governments in the Czech Republic and the Republic of Montenegro using several differentiation criteria. Large part of the data and findings used in this chapter were obtained by the author of the thesis herself when working on a survey of the functioning of the local self-governments in Montenegro in 2010. The survey was supported by the Czech Trust Fund UNDP. The chapter also contains subjective assessments of the author based on her personal experience gained in the field work in Montenegro.

These assessments resulted in the conclusion, that although the scope and conditions given by the valid legislation for the local self-governments are relatively similar, its practical implementation results in substantive differences.

The last chapter contains final evaluation of the thesis and the summary of the most important findings.

This thesis is based on the legal regulation effective to 28th February 2012.

Key words: local self-governments, state administration, the Republic of Montenegro